

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Russ W. Ercolani (SBN 240493) ERCOLANI LAW GROUP 4195 E. Thousand Oaks Blvd., Suite 175 Westlake Village, CA 91362 (805) 338-6880 (805) 367-4454 russ@ercolanilawgroup.com Attorney for Debtors: Frederick Kurt Howard & Carolyn Lee Howard <input checked="" type="checkbox"/> Attorney for Movant(s) <input type="checkbox"/> Movant(s) appearing without an attorney	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>SAN FERNANDO</u> DIVISION	
In re: Frederick Kurt Howard & Carolyn Lee Howard Debtor(s).	CASE NO.: 1:12-BK-16969 CHAPTER: 7
	DECLARATION RE: ENTRY OF ORDER WITHOUT HEARING PURSUANT TO LBR 9013-1(o)
	No hearing held

1. I am the ☐ Movant(s) or ☒ Attorney for Movant(s) or ☐ employed by Attorney for Movant(s).
Debtor's Motion to Convert
2. On: 10/30/2012 Movant(s) filed a motion entitled: Case under 11 U.S.C. § 706(a)
3. A copy of the Motion and Notice of Motion is attached hereto.
4. On 10/30/2012, Movant(s) served a copy of ☐ the Notice of Motion or ☒ the Motion and Notice of Motion on required parties using the method(s) identified on the Proof of Service of the Notice of Motion.
5. Pursuant to LBR 9013-1(o), the Notice of Motion explicitly provided that the deadline for filing and serving a written response and request for a hearing is 14 days after the date of Service of the Notice of Motion, plus an additional 3 days unless the Notice of Motion was served by personal delivery or posting as described in F.R.Civ.P. Rule 5(b)(2)(A)-(B).
6. More than 21 days have passed since Movant(s) served the Notice of Motion.
7. I have checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing has been timely filed.

8. No response and request for hearing has been timely served on Movant(s) at the street address, email address, or facsimile number specified in the Notice of Motion.
9. Based upon the foregoing, pursuant to LBR 9013-1(o), a hearing is not required.
10. A proposed order on the Motion has been lodged concurrent with the filing of this declaration. A copy of the proposed order has been served upon the judge pursuant to LBR 5005-2(d) and the Court Manual, together with a LOU confirmation receipt if the order was lodged electronically. Pursuant to LBR 9021-1(b)(2) and the Court Manual, if self-addressed, stamped envelopes are required, they were also included with the proposed order.

WHEREFORE, Movant(s) requests that the Motion be granted and an order be entered without a hearing on the Motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and this declaration was executed on 11/20/2012 at Westlake Village in the State of California

Russ W. Ercolani

Type Name of Declarant



Signature of Declarant

Attached is Debtor's Motion to Convert Case
Under 11 U.S.C. §§706(a) OR 1112(a)
with proof of service of all creditors

Main Document Page 4 of 15

For COURT USE ONLY

Attorney or Party Name, Address, Telephone & FAX Number, and Court Case Number
 Russ W. Ercolani (SBN 240493)
 ERCOLANI LAW GROUP
 4195 E. Thousand Oaks Blvd., Suite 175
 Westlake Village, CA 91361
 Phone: (805) 338-6880
 Fax: (805) 367-4454
 E-mail: russ@ercolanilawgroup.com

Attorney for Frederick Kurt Howard & Carolyn Lee Howard

**UNITED STATES BANKRUPTCY COURT
 CENTRAL DISTRICT OF CALIFORNIA**

In re:

Frederick Kurt Howard & Carolyn Lee Howard

Debtor.

CHAPTER 7

CASE NUMBER 1:12-BK-16969

**DEBTOR'S MOTION TO CONVERT CASE
 UNDER 11 U.S.C. §§ 706(a) OR 1112(a)**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1. Debtor hereby moves this Court for an Order converting the above chapter 7 case to a case under chapter 13 on the grounds set forth below:

2. Filing Information:

- a. ☒ A Voluntary Petition under chapter ☒ 7 ☐ 11 ☐ 12 ☐ 13 was filed on: 8/2/12
- b. ☐ An Involuntary Petition under chapter ☐ 7 ☐ 11 was filed on:
☐ An Order of Relief under chapter ☐ 7 ☐ 11 was entered on:
- c. ☐ An Order of Conversion to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13 was entered on:
- d. ☐ Other (specify):

3. Procedural Status:

- a. Name of trustee appointed (if any): David Seror
- b. Name of Attorney of Record for trustee (if any):

4. Debtor alleges that this case has not been previously converted.

(Continued on next page)

In re Frederick Kurt Howard & Carolyn Lee Howard	CHAPTER <u>7</u>
Debtor.	CASE NUMBER 1:12-BK-16969

5. Debtor alleges that the motion is filed in good faith, and that Debtor is eligible for relief under the chapter for which conversion is requested.

WHEREFORE, Debtor prays that this Court issue an Order (the form of which is submitted herewith and has been served) converting this case from one under chapter 7 to a case under chapter 13.

Dated: 10/30/2012

Respectfully submitted,

ERCOLANI LAW GROUP

Firm Name

By: 

Name: Russ W. Ercolani, Esq.

Attorney for Debtor/Trustee

In re Frederick Kurt Howard & Carolyn Lee Howard

CHAPTER 7

Debtor.

CASE NUMBER 1:12-BK-16969

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

4195 E. Thousand Oaks Blvd. Suite 175 Westlake Village, CA 91362

A true and correct copy of the foregoing document described as DEBTOR'S MOTION TO CONVERT CASE UNDER 11 U.S.C. §§ 706(a) OR 1112(a) will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d), and (b) in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On 10/30/2012 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email addressed indicated below:

Russ W Ercolani russ@ercolanilawgroup.com
David Seror (TR) kpscion@ebg-law.com, dseror@ecf.epiqsystems.com
United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served):

On 10/30/12 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Sent Via U.S. Mail
Honorable Victoria S. Kaufman
United States Bankruptcy Court - Central District of California
21041 Burbank Boulevard, Suite 354 / Courtroom 301
Woodland Hills, CA 91367

☒ Service information continued on attached page

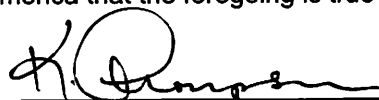
III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 10/18/12 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

10/30/2012
Date

Kimberly M. Thompson
Type Name


Signature

In re: Frederick Kurt Howard & Carolyn Lee Howard	CHAPTER 7
Debtor(s).	CASE NUMBER Case No.: 1:12-16969-VK

ADDITIONAL SERVICE INFORMATION:

II. SERVED BY U.S. MAIL:

David Seror, Chapter 7 Trustee
Ezra Brutzkus Gubner LLP
21650 Oxnard St., Suite 500
Woodland Hills, CA 91367-4911

Affiliated

Po Box 790001

Sunrise Beach MO 65079

Affiliated Accep Crp

Attn Customer Service

PO Box 790001

Sunrise Beach MO 65079

American Express

American Express Special Research

PO Box 981540

El Paso TX 79998

American Honda Finance

3625 W Royal Lane

Irving TX 75063

Amex

Po Box 297871

Fort Lauderdale FL 33329

Bacfleet-bkcard

200 Tournament Dr

Horsham PA 19044

Bank Of America

Po Box 1598

Norfolk VA 23501

Bank of America

PO Box 15796

Wilmington DE 19886

Bank Of America

Attention Recovery Department

4161 Peidmont Pkwy

Greensboro NC 27410

Cap One

Po Box 85015

Richmond VA 23285

Capital One Na

Capital One Bank USA NA

PO Box 30285

Salt Lake City UT 84130

Chase

Po Box 15298

Wilmington DE 19850

Chase

Po Box 15298

Wilmington DE 19850

Chase Auto

Po Box 901076

Ft Worth TX 76101

Chase Manhattan

Attn Bankruptcy Research Dept

3415 Vision Dr Mail Code OH4-7302

Columbus OH 43219

Citi

Po Box 6241

Sioux Falls SD 57117

Citi

PO Box 6241

Sioux Falls SD 57117

Citibank N A

701 E 60th St N

Sioux Falls SD 57104

Citibank Stu

Attn Bankruptcy

PO Box 6191

Sioux Falls SD 57117

Citibank Usa

CITICORP CREDIT SERVICESATTN CENTRALIZED

PO Box 20363

Kansas City MO 64195

CMRE Financial Services Inc

3075 E Imperial Hwy200

Brea CA 92821

Discover Fin Svcs Llc

Po Box 15316

Wilmington DE 19850

Discover Fin

Attention Bankruptcy Department

PO Box 3025

New Albany OH 43054

Gecrbgap

Po Box 981400

El Paso TX 79998

Gmac Mortgage

Po Box 4622

Waterloo IA 50704

Home Comings Financial GMAC Mortgage

Attention Bankruptcy Dept

1100 Virginia Drive

Fort Washington PA 19034

ICQ Search and Recover

14443 Park Ave Suite B1

Victorville CA 92392

Jjillcbna

Po Box 6497

Sioux Falls SD 57117

Jjillcbnd

WFCB

PO Box 183043

Columbus OH 43218

Los Robles Medical Center Billing

1204 East Thousand Oaks Boulevard

Thousand Oaks CA 91362

Onewest Bank

401 Wilshire

Santa Monica CA 90401

Onewest Bank

Attn Bankruptcy

2900 Esperanza Crossing

Austin TX 78758

Searscbna

Po Box 6282

Sioux Falls SD 57117

SH Recovery Associates

20832 Roscoe Blvd

Canoga Park CA 91306

Spectrum Athletic Club

2400 Willow Lane

Thousand Oaks CA 91361

Steven P Bjerke Delores L Bjerke

816 NW 12th Street

Pendleton OR 97801

Target Credit Card TC

CO Financial Retail Services

Mailstop BT PO Box 9475

Minneapolis MN 55440

Thdcbna

Po Box 6497

Sioux Falls SD 57117

The Regents of University of CA

Ronald Reagan UCLA Medical Center

1111 Franklin Street

Oakland CA 94607

Tnb - Target

Po Box 673

Minneapolis MN 55440

UCLA Primary Care Network

PO Box 749187

Los Angeles CA 90074

Union Bank NA

8155 Mercury Ct

San Diego CA 92111

Union Bank Na

8155 Mercury Ct

San Diego CA 92111

Usaa Federal Savings B

Pob 47504

San Antonio TX 78265

USAA Federal Savings Bank

10750 McDermott Fwy

San Antonio TX 78288

Usaa Savings Bank

Po Box 47504

San Antonio TX 78265

Verizon

500 Technology Dr Ste 30

Weldon Spring MO 63304

Westcoast Clinical Labs

7636 Burnet Avenue

Van Nuys CA 91405

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4195 E. Thousand Oaks Blvd., Suite 175, Westlake Village, CA 91362

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- Russ W Ercolani russ@ercolanilawgroup.com
- David Seror (TR) kpscion@ebg-law.com, C133@ecfbis.com
- United States Trustee (SV) ustpreion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

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US Mail

Hon. Victoria S. Kaufman

US Bankruptcy Court-Central District of California

21041 Burbank Boulevard, Suite 325/ Courtroom 301

Woodland Hills, CA 91367

☒ Service information continued on attached page

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

11/20/2012

Date

Kimberly M. Thompson

Type Name

/s/Kimberly M. Thompson

Signature